

Interviews:

Purchasers: 12 minutes

Non-Purchasers: 10 minutes

Frequency of Response: One time only
Estimated Total Reporting Burden: 518 hours**Clearance Officer:** Virginia Trotti, (202) 874-6260, United States Mint, Room 14-1C, 633 3rd Street, NW., Washington, DC 20220.**OMB Reviewer:** Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.**Lois K. Holland,***Departmental Reports, Management Officer.*

[FR Doc. 93-27524 Filed 11-8-93; 8:45 am]

BILLING CODE 4810-37-P

UNITED STATES INFORMATION AGENCY**U.S. Advisory Commission on Public Diplomacy Meeting****AGENCY:** United States Information Agency.**ACTION:** Notice for the Federal Register.

The United States Advisory Commission on Public Diplomacy will meet in room 600, 301 4th Street, SW., on November 10, 1993, from 10 a.m. to 12 p.m.

The meeting will be closed to the public from 11 a.m. to 12 p.m. because it will involve discussion of classified information relating to U.S. international broadcasting policies and

plans with Mr. Joseph Bruns, Acting Director, Bureau of Broadcasting, USIA. (5 U.S.C. 552b(c)(1)).

From 10:15 a.m. to 11 a.m., the Commission will meet in open session with Ms. Ann Pincus, Director of USIA's Office of Research, to discuss opinion and media research in public diplomacy and evaluation in U.S. Information Agency programs.

Please call Gloria Kalamets, (202) 619-4468, for further information.

Dated: October 28, 1993.

Joseph Duffey,*Director.*

[FR Doc. 93-27454 Filed 11-8-93; 8:45 am]

BILLING CODE 8230-01-M

Sunshine Act Meetings

Federal Register

Vol. 58, No. 215

Tuesday, November 9, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 5:00 p.m., Tuesday, November 16, 1993.

PLACE: 1201 24th Street, NW., Washington, DC 20037.

STATUS: This entire meeting will be closed to the public.

MATTERS TO BE CONSIDERED

PORTION CLOSED TO THE PUBLIC: The Board will consider the following:

Discussion of Full-Time Board Issues

The above matter is eligible for consideration in closed session pursuant to the exemption in section 552b(c)(9)(B) of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408-2837.

Philip L. Conover,
Managing Director.

[FR Doc. 93-27728 Filed 11-5-93; 2:15 pm]

BILLING CODE 6725-01-P

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 9:00 a.m., Wednesday, November 17, 1993.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED

PORTIONS OPEN TO THE PUBLIC: The Board will consider the following:

1. FHLBank System Reports
 - A. Monthly Financial Report
 - B. Monthly Membership Report
 - C. Third Quarter AHP Report
2. Membership Guidelines
3. FHLBank of San Francisco Proposal to Lend to a Nonmember Mortgagee
4. System 2000 Implementation: Goal #5 Update
5. Affordable Housing Program (AHP) Regulation

PORTIONS CLOSED TO THE PUBLIC: The Board will consider the following:

1. Approval of the October Board Minutes
2. Update on Proposed Revision to the Financial Management Policy
3. Examination and Regulatory Oversight Division Matters
 - A. 1994 Strategic Plan for Examinations of the Federal Home Loan Banks
 - B. Third Quarter Examination Update and Progress Report
4. FHLBank Presidents' Compensation Plan—1994 salary ranges, grade designations and merit increase guidelines
5. Board Management Issues

The above matters are eligible for consideration in closed session pursuant to one or more of the provisions of section 552b(c) (6), (8) and (9) (A) and (B) of title 5 of the United States Code.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Executive Secretary to the Board, (202) 408-2837.

Philip L. Conover,
Managing Director.

[FR Doc. 93-27729 Filed 11-5-93; 2:15 pm]

BILLING CODE 6725-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

TIME AND DATE: 9:30 a.m., Monday, November 15, 1993.

PLACE: Board Room, 7th Floor, room 7047, 1775 Duke Street, Alexandria, Virginia 22314-3428.

STATUS: Open.

BOARD BRIEFINGS:

1. Central Liquidity Facility Report and Report on CLF Lending Rate.
2. Report on Pilot Program for Community Development Credit Unions.
3. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Proposal to Change NCUA's Fiscal Year and NCUSIF Insurance Year to Calendar Year.
3. Fiscal Year 1994 Operating Fee Scale.

RECESS: 10:45 a.m.

TIME AND DATE: 11:00 a.m., Monday, November 15, 1993.

PLACE: Board Room, 7th Floor, room 7047, 1775 Duke Street, Alexandria, Virginia 22314-3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meetings.
2. Request from a Federal Credit Union for a Community Field of Membership Expansion. Closed pursuant to exemption (8).
3. Administrative Actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (5), (7), (8), (9)(A)(iii), (9)(B), and (10).
4. Personnel Policies and Action. Closed pursuant to exemptions (2), (6), and (9)(B).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518-6300.

Becky Baker,

Secretary of the Board.

[FR Doc. 93-27730 Filed 11-5-93; 2:15 pm]

BILLING CODE 7535-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, November 16, 1993.

PLACE: The Board Room, 5th Floor, 490 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The first two items are open to the public. The last item is closed to the public under Exemption 10 of the Government in Sunshine Act.

MATTERS TO BE CONSIDERED:

6201

Aviation Accident Report: Loss of Propeller Blade and Subsequent Crash Involving State of South Dakota MU-2B-60, Zwingle, Iowa, April 19, 1993.

5991A

Marine Accident Report: Collision of U.S. Towboat FREMONT and Tow with the St. Vincent and the Grenadines Registered Containership JURA DALMATINAC, Houston Ship Channel, Galveston Bay, December 21, 1992.

6155

Opinion and Order: *Administrator v. Schmidt, et al*, Dockets SE-11577, 11569, and 11581; disposition of respondents' appeal.

NEWS MEDIA CONTACT: Telephone (202) 382-0660.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Dated: November 5, 1993.

Ray Smith,

Alternate Federal Register Liaison Officer.

[FR Doc. 93-27727 Filed 11-5-93; 8:45 am]

BILLING CODE 7533-01-M

Registered

**Tuesday
November 9, 1993**

Part II

**Office of
Management and
Budget**

Budget Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Special Message on Budget Rescissions and Deferrals

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report 37 proposed rescissions of budget authority, totaling \$1.9 billion.

These proposed rescissions affect programs of the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Interior, State, and Transportation, International Security Assistance programs, and programs of the Agency for International Development, the Army Corps of Engineers, the General Services Administration, the Small Business Administration, the State Justice Institute, and the United States Information Agency. The details of these proposed rescissions are set forth in the attached letter from the Director of the Office of Management and Budget and in the accompanying report.

Concurrent with these proposals, I am transmitting to the Congress FY 1994 supplemental appropriations language requests that would remove a variety of restrictions that impede effective functioning of the government, including certain proposals outlined in the recommendations of the National Performance Review.

Together, the supplemental language requests and the rescission proposals would result in a total budget authority reduction of \$2.0 billion. My

Administration is committed to working closely with the Congress to produce legislation that will achieve this level of savings.

William J. Clinton,

The White House,
November 1, 1993.

Memorandum for the President

From: Leon E. Panetta

Subject: Second Special Message on Proposed Rescissions and Deferrals for FY 1994 and Supplemental Language Proposals

October 30, 1993.

On August 5, 1993, during House consideration of the Reconciliation Bill, the House leadership and the Administration agreed that the White House would initiate a spending reduction bill in the Fall in order to reduce spending and implement the recommendations of the National Performance Review (NPR). The attached packages of proposals, in conjunction with the Government Reform and Savings Act, which you transmitted to the Congress on October 26, 1993, follows through on that agreement.

The savings proposed in the Government Reform and Savings Act are \$9.1 billion in specific "savings" plus \$22 billion in procurement reforms.

The savings that would result from enactment of the rescission and supplemental proposals included in the attached packages total \$2.0 billion. Of this amount, \$339 million is related to NPR recommendations. The combination of the \$9.1 billion plus this \$2 billion assures scored savings of at least \$10 billion dollars over five years.

Second Special Message on Proposed Rescissions and Deferrals for FY 1994

Attached for your consideration is the second special message on proposed

rescissions and deferrals for FY 1994, to be transmitted to the Congress in accordance with the Congressional Budget and Impoundment Control Act of 1974. This special message contains 37 proposed rescissions totaling \$1.9 billion in budget authority.

These proposed rescissions affect programs of the Departments of Agriculture, Commerce, Defense, Energy, Housing and Urban Development, Interior, State, and Transportation, International Security Assistance programs and programs of the Agency for International Development, the Army Corps of Engineers, the General Services Administration, the Small Business Administration, the State Justice Institute, and the United States Information Agency.

The enactment of the proposed rescissions would reduce FY 1995 outlays by \$650.6 million and FY 1995 through FY 1999 outlays by \$1.5 billion.

Supplemental Language Proposals

A package of supplemental language proposals is attached for your approval. It includes proposed language changes to provisions included in various appropriations acts. These proposals and those included in the Government Reform and Savings Act would, if enacted, remove a variety of impediments to the implementation of your proposals to cut red tape, improve customer service, empower employees to get results, and cut programs back to basics.

Recommendation

The affected agencies have reviewed these proposed rescissions and language changes. I recommend that the special message and the proposed language changes be transmitted to the Congress.

Attachments

BILLING CODE 3110-01-M

CONTENTS OF SPECIAL MESSAGE

(in thousands of dollars)

RESCISSION NO.	ITEM	BUDGET AUTHORITY
Funds Appropriated to the President:		
International Security Assistance:		
R94-1	Foreign military financing grants.....	40,000
R94-2	Economic support fund.....	90,000
Agency for International Development:		
R94-3	Development assistance fund.....	160,000
Department of Agriculture:		
Agricultural Research Service:		
R94-4	Agricultural research service.....	16,233
R94-5	Buildings and facilities.....	8,460
Cooperative State Research Service:		
R94-6	Cooperative State Research Service.....	30,002
R94-7	Building and facilities.....	34,000
Agricultural Stabilization and Conservation Service:		
R94-8	Salaries and expenses.....	12,167
Soil Conservation Service:		
R94-9	Conservation operations.....	12,167
Farmers Home Administration:		
R94-10	Salaries and expenses.....	12,167
Rural Electrification Administration:		
R94-11	Rural Electrification and telephone loans loans program account.....	6,445
Food and Nutrition Service:		
R94-12	Commodity supplemental food program.....	12,600
Department of Commerce:		
National Oceanic and Atmospheric Administration:		
R94-13	Operations, research and facilities.....	6,000
R94-14	Construction.....	4,000

CONTENTS OF SPECIAL MESSAGE

(in thousands of dollars)

RESCISSION NO.	ITEM	BUDGET AUTHORITY
	International Trade Administration:	
R94-15	Operations and administration.....	2,000
	Department of Defense:	
	Military Construction:	
R94-16	Military construction, Army.....	116,134
R94-17	Military construction, Air Force.....	85,094
R94-18	Military construction, Army Reserve.....	19,807
R94-19	Military construction, Naval Reserve.....	4,438
R94-20	Military construction, Air Force Reserve.....	18,759
R94-21	Military construction, Army National Guard.....	251,854
R94-22	Military construction, Air National Guard.....	105,138
	Department of the Army-Civil:	
	Army Corps of Engineers:	
R94-23	General investigations.....	24,970
R94-24	Construction, general.....	97,319
	Department of Energy:	
	Energy Programs:	
	Energy supply, research and development activities, and Uranium supply and enrichment activities.....	139,300
R94-25		
	Department of Housing and Urban Development:	
	Housing Programs:	
R94-26	Annual contributions for assisted housing.....	180,000
	Department of the Interior:	
	Bureau of Reclamation:	
R94-27	Construction program.....	16,000
	Department of State:	
	Administration of Foreign Affairs:	
R94-28	Salaries and expenses.....	600

CONTENTS OF SPECIAL MESSAGE
(in thousands of dollars)

RESCISSION NO.	ITEM	BUDGET AUTHORITY
	Department of Transportation:	
	Federal Aviation Administration:	
R94-29	Operations.....	2,750
R94-30	Facilities and equipment.....	40,257
	Federal Transit Administration:	
R94-31	Discretionary grants.....	52,037
	Federal Highway Administration:	
R94-32	Highway demonstration projects.....	187,827
	General Services Administration:	
	Public Buildings Service:	
R94-33	Federal buildings fund.....	126,022
	Small Business Administration:	
R94-34	Salaries and expenses.....	13,100
	Other Independent Agencies:	
	State Justice Institute:	
R94-35	Salaries and expenses.....	6,775
	United States Information Agency:	
R94-36	Salaries and expenses.....	3,000
R94-37	North/South center.....	8,700
	Total, rescissions.....	1,946,122

R94-1

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL SECURITY ASSISTANCE

Foreign military financing grants

Of the funds made available (including earmarked funds) under this heading in Public Law 102-391 and prior appropriations acts, \$40,000,000 are rescinded.

Rescission Proposal No. R94-1

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Funds Appropriated to the President	New budget authority..... \$ <u>3,149,279,000</u> (P.L. 103-87)
BUREAU: International Security Assistance	Other budgetary resources.. \$ _____
Appropriation Title and Symbol: Foreign military financing grants 1141082	Total budgetary resources... \$ <u>3,149,279,000</u>
	Amount proposed for rescission..... \$ <u>40,000,000</u>
OMB identification code: 11-1082-0-1-152	Legal authority (in addition to sec. 1012):
Grant program: ☒ Yes ☐ No	☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account provides grant funds to finance sales of defense articles, defense services, and design and construction services to foreign countries and international organizations. It also provides funds for the costs of administering the military assistance program. The Administration proposes to streamline the foreign assistance program, including the termination of outmoded and ineffective activities. The estimated budgetary savings are proposed for rescission and will be derived from unexpended balances of prior year appropriations.

ESTIMATED PROGRAM EFFECT: This proposal would reduce assistance programs in certain recipient countries by rescinding amounts from unexpended balances.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
3,552,752	3,549,752	-3,000	-12,000	-18,000	-5,000	-2,000	—

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL SECURITY ASSISTANCE

Economic support fund

Of the unexpended or unobligated balances of funds (including earmarked funds) made available for fiscal years 1987 through 1994 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, \$90,000,000 are rescinded.

Rescission Proposal No. R94-2

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Funds Appropriated to the President	New budget authority..... \$ <u>2,364,562,000</u> (P.L. 103-87)
BUREAU: International Security Assistance	Other budgetary resources.. \$ <u>403,985,043</u>
Appropriation Title and Symbol: Economic support fund 11X1037 114/51037 113/41037	Total budgetary resources... \$ <u>2,768,547,043</u>
	Amount proposed for rescission..... \$ <u>90,000,000</u>
OMB identification code: 11-1037-0-1-152	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☒ Multi-year: September 30, 1994 September 30, 1995 (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds the Economic support fund, which provides economic assistance to selected countries in support of U.S. efforts to promote stability and U.S. security interests in strategic regions of the world. Consistent with the Vice President's National Performance Review proposal, the Administration is streamlining foreign assistance programs, including the termination of outmoded and ineffective activities. The estimated savings are proposed for rescission and will be derived from unexpended balances of prior year appropriations.

ESTIMATED PROGRAM EFFECT: This rescission proposal would reduce assistance programs in certain recipient countries.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
2,923,391	2,900,891	-22,500	-25,200	-16,020	-10,170	-6,480	—

R94-3

FUNDS APPROPRIATED TO THE PRESIDENT
INTERNATIONAL DEVELOPMENT ASSISTANCE
AGENCY FOR INTERNATIONAL DEVELOPMENT

Development assistance

Of the unexpended or unobligated balances (including earmarked funds) made available for fiscal year 1994 and prior fiscal years to carry out the provisions of sections 103 through 106 of the Foreign Assistance Act of 1961, \$160,000,000 are rescinded.

Rescission Proposal No. R94-3

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Funds Appropriated to the President	New budget authority..... \$ <u>1,223,500,000</u>
BUREAU: Agency for International Development	(P.L. 103-87) Other budgetary resources.. \$ <u>60,373,000</u>
Development assistance fund 11X1021 114/51021	Total budgetary resources... \$ <u>1,283,873,000</u>
OMB identification code: 11-1021-0-1-151	Amount proposed for rescission..... \$ <u>160,000,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☒ Multi-year: <u>September 30, 1995</u> (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds the Development assistance fund. Consistent with the Vice President's National Performance Review proposal, the Administration is streamlining foreign assistance programs, including the termination of outmoded and ineffective activities. The estimated savings are proposed for rescission and will be derived from unexpended balances of prior year appropriations.

ESTIMATED PROGRAM EFFECT: This rescission proposal would reduce assistance programs in certain recipient countries.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
1,338,472	1,325,672	-12,800	-88,000	-32,000	-12,800	-6,400	-3,200

R94-4

DEPARTMENT OF AGRICULTURE

AGRICULTURAL RESEARCH SERVICE

Of the funds made available under this heading in Public Law 103-111,

\$16,233,000 are rescinded.

Rescission Proposal No. R94-4

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... \$ <u>694,969,000</u> (P.L. 103-111)
BUREAU: Agricultural Research Service	Other budgetary resources.. \$ <u>0</u>
Appropriation title and symbol: Agricultural research service	Total budgetary resources... \$ <u>694,969,000</u>
1241400	Amount proposed for rescission..... \$ <u>16,233,000</u>
OMB identification code: 12-1400-0-1-352	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The Agricultural Research Service (ARS) is the Department of Agriculture's "in-house" research agency. This rescission would eliminate lower-priority research projects, such as those for which alternative sources of funding are available from State or local governments, industry, or others. Adequate funding would remain to enable ARS scientists to perform high-priority, nationwide research in areas such as natural resource protection, food quality and safety, and improved agricultural production practices (including sustainable agriculture methods).

ESTIMATED PROGRAM EFFECT: There would be no effect on high-priority research projects; adequate resources would remain to fund those projects.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
673,714	660,890	-12,824	-3,409	—	—	—	—

R94-5

DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE

Buildings and facilities

Of the funds made available under this heading in Public Law 103-111,

\$8,460,000 are rescinded.

Rescission Proposal No. R94-5

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... \$ <u>32,743,000</u>
BUREAU: Agricultural Research Service	(P.L. 103-111) Other budgetary resources.. \$ <u>0</u>
Appropriation title and symbol: Buildings and facilities 12X1401	Total budgetary resources... \$ <u>32,743,000</u>
	Amount proposed for rescission..... \$ <u>8,460,000</u>
OMB identification code: 12-1401-0-1-352	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The Agricultural Research Service (ARS) Buildings and Facilities account is used to finance construction, renovation, and major repairs at the agency's Federal research facilities across the nation. This proposal would rescind funds and congressional earmarks directing resources to be used for specific new construction. The remaining resources would be used to finance renovation projects at the agency's regional research centers and address serious environmental and safety defects at other ARS facilities. Many of the agency's existing facilities are almost 50 years old, and are in need of major renovations in order to allow the agency to do state-of-the-art research and for the facilities to meet State and local environmental and safety codes. New construction of research facilities is often not needed because sufficient space is available at existing laboratories to house agency personnel if these labs are renovated.

ESTIMATED PROGRAM EFFECT: The program effect of this change would be minimal. New ARS construction projects are often not necessary, and the remaining funding would be targeted to the highest priority projects.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
26,202	24,933	-1,269	-4,230	-1,269	-1,692	—	—

DEPARTMENT OF AGRICULTURE

COOPERATIVE STATE RESEARCH SERVICE

Of the funds made available under this heading in Public Law 103-111, \$30,002,000 are rescinded, including \$20,213,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended; and \$9,789,000 for necessary expenses of Cooperative State Research Service activities.

Rescission Proposal No. R94-6

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... \$ <u>453,736,000</u>
BUREAU: Cooperative State Research Service	(P.L. 103-111) Other budgetary resources.. \$ <u>0</u>
Appropriation title and symbol: Cooperative state research service 1241500 12X1500	Total budgetary resources... \$ <u>453,736,000</u>
	Amount proposed for rescission..... \$ <u>30,002,000</u>
OMB identification code: 12-1500-0-1-352	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The Cooperative State Research Service (CSRS) administers grants and payments to State institutions to supplement State and local funding for agricultural research. This proposal would eliminate funding for lower-priority earmarked research grants. These grants were not peer-reviewed or competitively-awarded, and are largely targeted to address local, rather than regional or national, needs. Sufficient funding would remain available to continue the highest-priority projects as determined by the Administrator of the CSRS. Also, funding would be available through the National Research Initiative competitive grants program for meritorious projects focusing on basic research addressing regional or national needs.

ESTIMATED PROGRAM EFFECT: The effect of this rescission would be minimal because alternative sources of funding are available.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
449,661	446,661	-3,000	-9,001	-9,001	-6,000	-3,000	—

R94-7

DEPARTMENT OF AGRICULTURE
COOPERATIVE STATE RESEARCH SERVICE

Buildings and facilities

Of the funds made available under this heading in Public Law 103-111,

\$34,000,000 are rescinded.

Rescission Proposal No. R94-7

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... \$ <u>56,874,000</u>
BUREAU: Cooperative State Research Service	(P.L. 103-111) Other budgetary resources.. \$ <u>0</u>
Appropriation title and symbol: Buildings and facilities 12X1501	Total budgetary resources... \$ <u>56,874,000</u>
	Amount proposed for rescission..... \$ <u>34,000,000</u>
OMB identification code: 12-1501-0-1-352	Legal authority (in addition to sec. 1012):
Grant program: ☒ Yes ☐ No	☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The Cooperative State Research Service (CSRS) makes grants to States and other eligible recipients for the acquisition of land, construction, and repair of facilities and equipment to carry out agricultural research and extension activities. This proposal would rescind funds for construction of lower-priority research facilities congressionally earmarked for particular States and universities. The funds were not awarded competitively or peer-reviewed, and most projects are for local, not national, priorities. The remaining FY 1994 funds would be allocated to the highest national priority projects, as determined by the Administrator of CSRS, with special emphasis on projects that can be completed in FY 1994.

ESTIMATED PROGRAM EFFECT: There would be minimal nationwide effect. Agribusinesses, States, and local governments would have to increase their support for local or State projects they would like to see completed.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
53,516	51,816	-1,700	-3,400	-10,200	-11,900	-6,800	—

R94-8

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Salaries and expenses

Of the funds made available under this heading in Public Law 103-111,

\$12,167,000 are rescinded.

Rescission Proposal No. R94-8

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... \$ <u>730,842,000</u>
BUREAU: Agricultural Stabilization and Conservation Service	(P.L. 103-111) Other budgetary resources.. \$ <u>78,076,000</u>
Appropriation title and symbol: Salaries and expenses 1243300	Total budgetary resources... \$ <u>808,918,000</u>
OMB identification code: 12-3300-0-1-351	Amount proposed for rescission..... \$ <u>12,167,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account funds the salaries and expenses of the Agricultural Stabilization and Conservation Service (ASCS), which provides agricultural producers with crop price- and income-support payments. The rescission reflects the savings in ASCS Salaries and expenses of implementing the National Performance Review (NPR) proposal to reorganize USDA. The Secretary of Agriculture plans to reorganize USDA and streamline its operations both in the field and at the Headquarters level. Under the NPR/USDA proposal, ASCS field offices would merge with parts of the Farmers Home Administration to form the new Farm Service Agency. This would result in significant personnel and administrative cost efficiencies.

ESTIMATED PROGRAM EFFECT: None

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
735,970	724,478	-11,492	-487	-189	—	—	—

R94-9

DEPARTMENT OF AGRICULTURE

SOIL CONSERVATION SERVICE

Conservation operations

Of the funds made available under this heading in Public Law 103-111,

\$12,167,000 are rescinded.

Rescission Proposal No. R94-9

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY USDA Department of Agriculture BUREAU: Soil Conservation Service Appropriation title and symbol: Conservation operations 12X1000		New budget authority..... \$ <u>591,049,000</u> (P.L. 103-111) Other budgetary resources.. \$ <u>60,000,000</u> Total budgetary resources... \$ <u>651,049,000</u>
OMB identification code: 12-1000-0-1-302 Grant program: ☐ Yes ☒ No		Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year		Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account funds the salaries and expenses of the county office employees of the Soil Conservation Service (SCS). The rescission reflects the savings in SCS Conservation operations of implementing the NPR proposal to reorganize USDA. The Secretary of Agriculture plans to reorganize USDA and streamline its operations both in the field and at the Headquarters level. This proposal would result in more efficient service delivery to SCS clients, significant personnel reductions, and administrative cost efficiencies.

ESTIMATED PROGRAM EFFECT: None

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
586,575	575,868	-10,707	-1,217	-243	—	—	—

DEPARTMENT OF AGRICULTURE

FARMERS HOME ADMINISTRATION

Salaries and expenses

Of the funds made available under this heading in Public Law 103-111,

\$12,167,000 are rescinded.

Rescission Proposal No. R94-10

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... \$ 36,152,000 (P.L. 103-111)
BUREAU: Farmers Home Administration	Other budgetary resources.. \$ 0
Appropriation title and symbol: Salaries and expenses 1242001	Total budgetary resources... \$ 36,152,000
OMB identification code: 12-2001-0-1-452	Amount proposed for rescission..... \$ 12,167,000
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account funds Farmers Home Administration (FmHA) salaries and expenses. The rescission reflects the savings in FmHA Salaries and expenses of implementing the NPR proposal to reorganize USDA. The Secretary of Agriculture plans to reorganize USDA and streamline its operations both in the field and at the Headquarters level. Under the USDA plan, FmHA would be merged into three new entities: the Farm Service Agency, the Rural Utilities Service, and the Rural Community Development Service. This proposal would result in more efficient service delivery to FmHA clients, significant personnel reductions, and administrative cost efficiencies.

ESTIMATED PROGRAM EFFECT: None

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
43,206	32,012	-11,194	-608	-365	—	—	—

DEPARTMENT OF AGRICULTURE

RURAL ELECTRIFICATION ADMINISTRATION

Rural electrification and telephone loans program account

Of the funds made available under this heading in Public Law 103-111 for the cost of 5 percent rural telephone loans, \$6,445,000 are rescinded.

Rescission Proposal No. R94-11

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Agriculture	New budget authority..... \$ <u>112,398,000</u>
BUREAU: Rural Electrification Administration	(P.L. 103-111)
Appropriation title and symbol: Rural electrification and telephone loans program account 12X1230	Other budgetary resources... \$ <u>0</u>
	Total budgetary resources... \$ <u>112,398,000</u>
	Amount proposed for rescission..... \$ <u>6,445,000</u>
OMB identification code: 12-1230-0-1-271	Legal authority (in addition to sec. 1012):
Grant program: ☐ Yes ☒ No	☐ Antideficiency Act
	☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account receives appropriations for subsidy budget authority to make Rural Electrification Administration (REA) electric and telephone loans to eligible borrowers serving rural areas. The rescission would reduce telephone "hardship" loans (5 percent interest rate) by \$50 million (\$6.4 million in credit subsidy). Historically, REA telephone hardship loans have totaled 30 percent of total REA electric and telephone hardship loan amounts provided. The FY 1994 appropriation increases the telephone loans' share to 44 percent. The rescission would return telephone hardship funding to its historical proportion.

ESTIMATED PROGRAM EFFECT: Reduction in REA hardship telephone loan levels would be from \$100 million to \$50 million. The remaining amount would be sufficient to finance borrowing needs of telephone hardship borrowers. Most REA telephone borrowers are capable of affording higher interest rates without significantly affecting their subscribers' rates.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
134,302	133,980	-322	-1,225	-1,289	-902	-645	-1,031

R94-12

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

Commodity supplemental food program

Of the funds made available under this heading in Public Law 102-341,

\$12,600,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Operations, research, and facilities

Of the funds made available (including earmarked funds) under this heading in

Public Law 103-121, \$6,000,000 are rescinded.

Rescission Proposal No. R94-13

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Commerce	New budget authority..... \$ <u>1,751,053,000</u> (P.L. 103-121)
BUREAU: National Oceanic and Atmospheric Administration	Other budgetary resources.. \$ <u>532,729,408</u>
Appropriation title and symbol: Operations, research and facilities	Total budgetary resources... \$ <u>2,283,782,408</u>
13X1450	Amount proposed for rescission..... \$ <u>6,000,000</u>
OMB identification code: 13-1450-0-1-306	Legal authority (in addition to sec. 1012):
Grant program: ☐ Yes ☒ No	☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds the general operations of National Oceanic and Atmospheric Administration (NOAA). This proposal rescinds funds not needed to provide for programs, projects, and activities that failed to meet one or more of the following criteria: competitively awarded; authorized in law; meet established Federal grant selection and award procedures; do not duplicate on-going efforts; original objectives have not been completed; and the objectives are consistent with the statutory responsibilities of NOAA. The funds remaining in the account will be allocated consistent with program criteria.

ESTIMATED PROGRAM EFFECT: The ability of NOAA to accomplish its mission successfully would not be affected by this rescission proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
1,682,754	1,679,274	-3,480	-1,680	-420	-420	—	—

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Construction

Of the funds made available (including earmarked funds) under this heading in

Public Law 103-121, \$4,000,000 are rescinded.

Rescission Proposal No. R94-14

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Commerce	New budget authority..... \$ <u>109,703,000</u>
BUREAU: National Oceanic and Atmospheric Administration	(P.L. 103-121) Other budgetary resources.. \$ <u>37,504,000</u>
Appropriation title and symbol: Construction 13X1452	Total budgetary resources... \$ <u>147,207,000</u>
OMB identification code: 13-1452-0-1-306	Amount proposed for rescission..... \$ <u>4,000,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds the construction, repair, modification, and construction of new facilities, and land acquisition. This proposal rescinds funds not needed to provide for programs, projects, and activities that failed to meet one or more of the following criteria: competitively awarded; authorized in law; meet established Federal grant selection and award procedures; do not duplicate on-going efforts; original objectives have not been completed; and the objectives are consistent with the statutory responsibilities of NOAA. The funds remaining in the account will be allocated consistent with program criteria.

ESTIMATED PROGRAM EFFECT: The ability of NOAA to accomplish its mission successfully would not be affected by this rescission proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
83,633	82,993	-640	-2,480	-880	—	—	—

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

Operations and administration

Of the funds made available (including earmarked funds) under this heading in

Public Law 103-121, \$2,000,000 are rescinded.

R94-16

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military construction, Army

Of the funds made available under this heading in Public Law 103-110,

\$116,134,000 are rescinded.

Rescission Proposal No. R94-16

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Defense	New budget authority..... \$ <u>906,676,000</u> (P.L. 103-110)
BUREAU: Military Construction	Other budgetary resources.. \$ <u>472,130,000</u>
Appropriation title and symbol: Military construction, Army 214/82050	Total budgetary resources... \$ <u>1,378,806,000</u>
OMB identification code: 21-2050-0-1-051	Amount proposed for rescission..... \$ <u>116,134,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☒ Multi-year: <u>September 30, 1998</u> (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The funds proposed for rescission were appropriated in excess of the amount requested for this account in the FY 1994 Budget. In general, unrequested funds cannot be used before FY 1995 because the projects have not yet been designed. This proposal would reduce the Federal deficit without affecting existing construction projects or reducing current construction employment.

ESTIMATED PROGRAM EFFECT: The ability of the Army to accomplish its mission would not be affected by this proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
786,610	763,383	-23,227	-51,099	-24,388	-6,968	-5,807	-1,742

R94-17

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military construction, Air Force

Of the funds made available under this heading in Public Law 103-110,

\$85,094,000 are rescinded.

Rescission Proposal No. R94-17

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Defense	New budget authority.....	\$	1,021,567,000
BUREAU: Military Construction	(P.L. 103-110) Other budgetary resources..	\$	841,954,000
Appropriation title and symbol: Military construction, Air Force 574/83300	Total budgetary resources...	\$	1,863,521,000
	Amount proposed for rescission.....	\$	85,094,000
OMB identification code: 57-3300-0-1-051	Legal authority (in addition to sec. 1012):		
Grant program: ☐ Yes ☒ No	☐ Antideficiency Act ☐ Other _____		
Type of account or fund: ☐ Annual ☒ Multi-year: <u>September 30, 1998</u> (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____		

JUSTIFICATION: The funds proposed for rescission were appropriated in excess of the amount requested for this account in the FY 1994 Budget. In general, unrequested funds cannot be used before FY 1995 because the projects have not yet been designed. This proposal would reduce the Federal deficit without affecting existing construction projects or reducing current construction employment.

ESTIMATED PROGRAM EFFECT: The ability of the Air Force to accomplish its mission would not be affected by this proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
1,083,034	1,071,972	-11,062	-36,590	-22,124	-9,786	-3,404	-936

R94-18

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military construction, Army Reserve

Of the funds made available under this heading in Public Law 103-110,

\$19,807,000 are rescinded.

Rescission Proposal No. R94-18

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Defense	New budget authority..... \$ <u>102,040,000</u> (P.L. 103-110)
BUREAU: Military Construction	Other budgetary resources.. \$ <u>110,402,000</u>
Appropriation title and symbol: Military construction, Army Reserve 214/82086	Total budgetary resources... \$ <u>212,442,000</u>
OMB identification code: 21-2086-0-1-051	Amount proposed for rescission..... \$ <u>19,807,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☒ Multi-year: <u>September 30, 1998</u> (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The funds proposed for rescission were appropriated in excess of the amount requested for this account in the FY 1994 Budget. In general, unrequested funds cannot be used before FY 1995 because the projects have not yet been designed. This proposal would reduce the Federal deficit without affecting existing construction projects or reducing current construction employment.

ESTIMATED PROGRAM EFFECT: The ability of the Army Reserve to accomplish its mission would not be affected by this proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
85,867	84,481	-1,386	-11,092	-3,961	-1,783	-891	-257

R94-19

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military construction, Naval Reserve

Of the funds made available under this heading in Public Law 103-110,

\$4,438,000 are rescinded.

Rescission Proposal No. R94-19

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Defense	New budget authority..... \$ 25,029,000 (P.L. 103-110)
BUREAU: Military Construction	Other budgetary resources.. \$ 54,383,000
Appropriation title and symbol: Military construction, Naval Reserve 174/81235	Total budgetary resources... \$ 79,412,000
OMB identification code: 17-1235-0-1-051	Amount proposed for rescission..... \$ 4,438,000
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☒ Multi-year: <u>September 30, 1998</u> (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The funds proposed for rescission were appropriated in excess of the amount requested for this account in the FY 1994 Budget. In general, unrequested funds cannot be used before FY 1995 because the projects have not yet been designed. This proposal would reduce the Federal deficit without affecting existing construction projects or reducing current construction employment.

ESTIMATED PROGRAM EFFECT: The ability of the Naval Reserve to accomplish its mission would not be affected by this proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
53,456	53,145	-311	-2,485	-888	-399	-200	-58

R94-20

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military construction, Air Force Reserve

Of the funds made available under this heading in Public Law 103-110,

\$18,759,000 are rescinded.

Rescission Proposal No. R94-20

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Defense	New budget authority..... \$ <u>74,486,000</u> (P.L. 103-110)
BUREAU: Military Construction	Other budgetary resources.. \$ <u>38,024,000</u>
Appropriation title and symbol: Military construction, Air Force Reserve 574/83730	Total budgetary resources... \$ <u>112,510,000</u>
OMB identification code: 57-3730-0-1-051	Amount proposed for rescission..... \$ <u>18,759,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☒ Multi-year: <u>September 30, 1998</u> (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The funds proposed for rescission were appropriated in excess of the amount requested for this account in the FY 1994 Budget. In general, unrequested funds cannot be used before FY 1995 because the projects have not yet been designed. This proposal would reduce the Federal deficit without affecting existing construction projects or reducing current construction employment.

ESTIMATED PROGRAM EFFECT: The ability of the Air Force Reserve to accomplish its mission would not be affected by this proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
48,528	47,215	-1,313	-10,505	-3,752	-1,688	-844	-244

R94-21

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military construction, Army National Guard

Of the funds made available under this heading in Public Law 103-110,

\$251,854,000 are rescinded.

R94-22

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Air National Guard

Of the funds made available under this heading in Public Law 103-110,

\$105,138,000 are rescinded.

Rescission Proposal No. R94-22

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Defense	New budget authority..... \$ <u>247,491,000</u> (P.L. 103-110)
BUREAU: Military Construction	Other budgetary resources.. \$ <u>146,446,000</u>
Appropriation title and symbol: Military construction, Air National Guard 574/83830	Total budgetary resources... \$ <u>393,937,000</u>
OMB identification code: 57-3830-0-1-051	Amount proposed for rescission..... \$ <u>105,138,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☒ Multi-year: <u>September 30, 1998</u> (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The funds proposed for rescission were appropriated in excess of the amount requested for this account in the FY 1994 Budget. In general, unrequested funds cannot be used before FY 1995 because the projects have not yet been designed. This proposal would reduce the Federal deficit without affecting existing construction projects or reducing current construction employment.

ESTIMATED PROGRAM EFFECT: The ability of the Air National Guard to accomplish its mission would not be affected by this proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
289,441	281,030	-8,411	-56,775	-27,336	-7,360	-2,418	-1,472

R94-23

DEPARTMENT OF DEFENSE -- CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS -- CIVIL

General investigations

Of the funds made available (including earmarked funds) under this heading in H.R. 2445, as signed by the President on October 28, 1993, \$24,970,000 are rescinded.

Rescission Proposal No. R94-23

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Army - Civil		New budget authority.....	\$	207,540,000
BUREAU: Army Corps of Engineers		(P.L. 103-)		
Appropriation title and symbol: General investigations		Other budgetary resources..	\$	50,000,000
96X3121		Total budgetary resources...	\$	257,540,000
OMB identification code: 96-3121-0-1-301		Amount proposed for rescission.....	\$	24,970,000
Grant program: ☐ Yes ☒ No		Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____		
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year		Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____		

JUSTIFICATION: This account provides for Army Corps of Engineers collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects; restudy of authorized projects; miscellaneous investigations; and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction.

The Army Corps of Engineers would select and prioritize studies and projects for funding from those included in the 1994 Energy and Water Development Appropriations Act and Congressional Conference Report based on the following criteria: (1) continuation of ongoing work under contract; (2) economic justification and/or environmental benefits commensurate with costs; (3) environmental acceptability; (4) compliance with standard cost sharing; (5) availability of necessary non-Federal sponsorship and funding; (6) consideration of whether the project or study represents Federal assumption of a traditionally non-Federal responsibility; and (7) completion of normal Executive Branch project review requirements. Studies and projects that could not be accommodated within the appropriated amount less the rescission amount would not be funded.

ESTIMATED PROGRAM EFFECT: Studies and projects meeting the Army Corps of Engineers criteria would receive Federal funding, within available funds, in FY 1994. There would be minimal impact on such studies and projects. Those studies and projects not meeting the criteria would be delayed unless undertaken by non-Federal sources.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
193,581	178,599	-14,982	-9,988	—	—	—	—

R94-24

DEPARTMENT OF DEFENSE -- CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS -- CIVIL

Construction, general

Of the funds made available (including earmarked funds) under this heading in

H.R. 2445, as signed by the President on October 28, 1993, \$97,319,000 are rescinded.

Rescission Proposal No. R94-24

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of the Army - Civil	New budget authority..... \$ <u>1,400,875,000</u>
BUREAU: Army Corps of Engineers	(P.L. 103-) Other budgetary resources.. \$ <u>1,275,000,000</u>
Appropriations title and symbol: Construction, general 96X3122	Total budgetary resources... \$ <u>2,675,875,000</u>
OMB identification code: 96-3122-0-1-301	Amount proposed for rescission..... \$ <u>97,319,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account provides for Army Corps of Engineers river and harbor, flood control, shore protection, and related projects authorized by laws.

The Army Corps of Engineers would select and prioritize projects for funding from those included in the 1994 Energy and Water Development Appropriations Act and Congressional Conference Report based on the following criteria: (1) continuation of ongoing work under contract; (2) economic justification and/or environmental benefits commensurate with costs; (3) environmental acceptability; (4) compliance with standard cost sharing; (5) availability of necessary non-Federal sponsorship and funding; (6) consideration of whether the project or study represents Federal assumption of a traditionally non-Federal responsibility; and (7) completion of normal Executive Branch project review requirements. Projects that could not be accommodated within the appropriated amount less the rescission amount would not be funded.

ESTIMATED PROGRAM EFFECT: Projects meeting the Army Corps of Engineers criteria would receive Federal funding, within available resources, in FY 1994. There would be minimal impact on such projects. Those projects not meeting the criteria would be delayed unless undertaken by non-Federal sources.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
1,392,085	1,338,560	-53,525	-43,794	—	—	—	—

DEPARTMENT OF ENERGY

Energy supply research and development activities

Of the funds made available under this heading in Public Law 102-377,

\$42,000,000 are rescinded.

Of the funds made available under this heading in H.R. 2445, as signed by the

President on October 28, 1993, \$97,300,000 are rescinded.

Rescission Proposal No. R94-25

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Energy	New budget authority..... \$ <u>3,401,002,000</u> (P.L. 103-)
BUREAU: Energy Programs	Other budgetary resources.. \$ <u>478,570,000</u>
Appropriation title and symbol: Energy supply, research and development activities, and Uranium supply and enrichment activities 89X0224 89X0226	Total budgetary resources... \$ <u>3,879,572,000</u>
OMB identification code: 89-0226-0-1-271 89-0224-0-1-271	Amount proposed for rescission..... \$ <u>139,300,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The Energy supply account provides funds for operating expenses, capital equipment, and construction projects associated with research and development of various energy technologies. The purpose of energy supply research and development activities is to develop new energy technologies and improve existing energy technologies. This rescission proposal would eliminate unnecessary nuclear research and development. The proposed budgetary rescission is \$139.3 million. Of this amount, \$12 million is for research and development activities on the High-temperature Gas-cooled Reactor. Another \$85 million was to be used for the design and/or the continued operation of unneeded nuclear reactors. Shutdown costs for these reactors can be covered by the unobligated balances in this account. Of the remaining amount, \$42 million in budget authority would be rescinded as a result of curtailing the Atomic Vapor Laser Isotope Separation Project, from prior year balances in the Uranium supply and enrichment activities account, remaining with the Department of Energy due to its agreement with the U.S. Enrichment Corporation.

ESTIMATED PROGRAM EFFECT: The Department's ability to accomplish its mission successfully would not be affected by this rescission proposal.

OUTLAY EFFECT: (In thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
3,382,416	3,296,626	-85,790	-38,920	-14,590	—	—	—

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Annual contributions for assisted housing

Of the funds made available under this heading in Public Law 103-124, \$180,000,000 are rescinded, including \$130,000,000 for modernization of existing public housing projects pursuant to section 14 of the United States Housing Act (42 U.S.C. 1437); and \$50,000,000 for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992.

Rescission Proposal No. R94-26

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Housing and Urban Development	New budget authority..... \$ <u>9,312,900,000</u> (P.L. 103-124)
BUREAU: Housing Programs	Other budgetary resources.. \$ <u>2,000,000,000</u>
Appropriation title and symbol: Annual contributions for assisted housing 86X0164	Total budgetary resources... \$ <u>11,312,900,000</u>
OMB identification code: 86-0164-0-1-604	Amount proposed for rescission..... \$ <u>180,000,000</u>
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This account funds a variety of rental assistance programs. Some of the programs that would be affected by this rescission proposal are listed below:

1. Modernization of public housing program. The Administration is proposing to rescind the \$130 million in additional funds added by the Congress in FY 1994. The existing backlog of \$9 billion in unspent funds is sufficient for immediate needs and should be utilized before more funds are made available.
2. Lead-based paint hazard reduction program. The Administration is proposing to rescind the \$50 million in additional funds added by Congress in FY 1994. This level of funding is more consistent with the current availability of people trained and certified to perform inspection, reduction, and abatement work.

ESTIMATED PROGRAM EFFECT: HUD's ability to accomplish its mission successfully would not be affected by this rescission proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
14,334,744	14,329,744	-5,000	-30,500	-46,880	-35,220	-20,800	-20,800

R94-27

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

Construction program

Of the funds made available under this heading in H.R. 2445, as signed by the President on October 28, 1993, \$16,000,000 are rescinded.

Rescission Proposal No. R94-27

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1102 of P.L. 93-344

AGENCY: Department of the Interior	New budget authority..... \$ <u>464,423,000</u>
BUREAU: Bureau of Reclamation	(P.L. 103-xxx) Other budgetary resources.. \$ <u>280,283,000</u>
Appropriations title and symbol: Construction program 14X0684 14X4081 14X4079	Total budgetary resources... \$ <u>744,706,000</u>
	Amount proposed for rescission..... \$ <u>16,000,000</u>
OMB identification code: 14-4079-0-1-301 14-4081-0-1-301 14-0684-0-1-301	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The Construction program account funds the water resources development program of the Bureau of Reclamation. Funding under this program also provides for transfers to the Lower Colorado River Basin Development fund and the Upper Colorado River Basin fund for water resources development.

The proposal would rescind \$16,000,000 from projects included in the FY 1994 Energy and Water Development Appropriations Act. The Department of the Interior would select and prioritize projects for funding based on criteria developed by the Department. These criteria would include consideration of: (1) continuation of ongoing work under contract; (2) new projects or activities consistent with the Secretary's priorities; (3) projects with environmental benefits commensurate with costs; and (4) the availability of necessary non-Federal cost sharing. Projects that could not be accommodated within the appropriated amount less the rescission amount would not be funded.

ESTIMATED PROGRAM EFFECT: Projects meeting the criteria would, within available resources, receive Federal funding in FY 1994. Other projects would be delayed unless financing was provided by non-Federal sources.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
470,207	456,767	-13,440	-2,560	—	—	—	—

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

Diplomatic and consular programs

Of the funds made available under this heading in Public Law 103-121,

\$600,000 are rescinded.

Rescission Proposal No. R94-28

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of State	New budget authority..... \$ 2,101,311,000 (P.L. 103-121)
BUREAU: Administration of Foreign Affairs	Other budgetary resources... \$ 26,778,000
Appropriation title and symbol: Salaries and expenses and Diplomatic and consular programs 1940113	Total budgetary resources... \$ 2,128,089,000
OMB identification code: 19-0113-0-1-153	Amount proposed for rescission..... \$ 600,000
Grant program: ☐ Yes ☒ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: The Diplomatic and consular programs and the Salaries and expenses accounts fund overseas expenses of the Department of State. This rescission proposal reflects estimated savings to be achieved through the implementation of the Vice President's National Performance Review proposal to reduce the costs of providing Marine guards and other security at diplomatic missions overseas.

ESTIMATED PROGRAM EFFECT: No program effect is anticipated.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
2,103,826	2,103,226	-600	---	---	---	---	---

R94-29

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

Operations

Of the funds made available (including earmarked funds) under this heading in

Public Law 103-122, \$2,750,000 are rescinded.

Rescission Proposal No. R94-29

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Transportation	New budget authority..... \$ 2,286,018,000 (P.L. 103-122)
BUREAU: Federal Aviation Administration	Other budgetary resources.. \$ 2,356,116,433
Appropriation title and symbol: Operations 6941301	Total budgetary resources... \$ 4,642,134,433
	Amount proposed for rescission..... \$ 2,750,000
OMB identification code: 69-1301-0-1-402	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds an annual grant (\$2 million) to the Mid-American Aviation Resource Consortium (MARC) in order to subsidize a private air traffic controller training program. Currently, five schools operate such programs. Only MARC receives a Federal subsidy. Subsidy to MARC is not required for the program to continue on a self-financing basis.

Funds for grants to vocational technical institutions to support aircraft maintenance training programs (\$750 thousand) are not needed. There are numerous privately funded, self-supporting training programs that are more than adequate to meet industry's needs.

The proposed rescission is consistent with the Vice President's National Performance Review proposal.

ESTIMATED PROGRAM EFFECT: This proposed rescission would not affect the Federal Aviation Administration's ability to accomplish its mission.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
2,278,451	2,276,031	-2,420	-330	—	—	—	—

R94-30

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

Facilities and equipment

Of the available balances (including earmarked funds) under this heading,

\$40,257,111 are rescinded.

R94-31

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

Discretionary grants

Any unobligated balances of funds made available for fiscal year 1991 and any earlier fiscal year under section 3 of the Federal Transit Act, as amended (49 U.S.C. App 1602), and allocated to specific projects for the replacement, rehabilitation, and purchase of buses and related equipment, for construction of bus-related facilities, and for new fixed guideway systems are rescinded.

Rescission Proposal No. R94-31

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Transportation	New budget authority..... \$ 1,785,000,000 (P.L. 102-240)
BUREAU: Federal Transit Administration	Other budgetary resources.. \$ 1,550,100,000
Appropriation title and symbol: Discretionary grants 69X8191	Total budgetary resources... \$ 3,335,100,000
	Amount proposed for rescission..... \$ 52,037,325
OMB identification code: 69-8191-0-7-401	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☒ Yes ☐ No	
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☐ Appropriation ☒ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation account funds capital grants to States and local governments for the construction and improvement of transit systems, facilities and equipment, and the purchase of rolling stock needed for such systems. This proposed rescission is consistent with the Vice President's National Performance Review proposal. This proposal would rescind all transit new start and bus earmarks that are at least three years old (i.e., FY 1991 and prior year earmarks), but have not yet been obligated. Projects that are at least three years behind schedule should have to be reconsidered for funding by Congress to determine if the projects are still needed and if factors leading to earmarking of the projects in the first place are still valid.

ESTIMATED PROGRAM EFFECT: This proposed rescission would not affect the Federal Transit Administration's ability to accomplish its mission.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
1,470,632	1,469,591	-1,041	-5,204	-10,407	-10,407	-10,407	-10,407

R94-32

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

Of the funds made available for highway projects that are not under construction, and that were funded pursuant to an appropriations act and that at no time have been separately authorized, \$187,827,288 are rescinded; Provided, That this rescission shall not apply to any emergency relief project funded under section 125 of title 23, United States Code; Provided further, That the term not under construction refers to a project for which a construction contract for physical construction has not been awarded by the State, local government, or other contracting authority having responsibility for the project, regardless of whether other obligations such as preliminary engineering or environmental studies have been incurred.

Rescission Proposal No. R94-32

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Department of Transportation	New budget authority..... \$ 156,362,000 (P.L. 103-122)
BUREAU: Federal Highway Administration	Other budgetary resources.. \$ 916,378,100
Appropriations title and symbol: Highway demonstration projects 69X9972 69X9911	Total budgetary resources... \$ 1,072,740,100
OMB identification code: 69-9972-0-7-401 69-9911-0-1-401	Amount proposed for rescission..... \$ 187,827,288
Grant program: ☒ Yes ☐ No	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☐ Annual ☐ Multi-year: _____ (expiration date) ☒ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This proposal would rescind all unobligated balances for unauthorized highway demonstration projects that are not under construction. Such highway projects should compete for funds through the normal allocation and planning processes within the Federal-Aid Highways grants program. For purposes of this proposal, all projects that have been authorized, regardless of whether an authorization has expired or has been exceeded, shall be considered authorized and are not proposed for rescission.

In its reports, GAO has found project completion costs will greatly exceed authorized Federal and State contributions, and that State officials are uncertain where they will find more funding. No Federal provisions allow for canceling or redirecting funds, nor can the States redirect demonstration funds to other transportation projects. The recommendations of the Vice President's National Performance Review incorporate the concept of rescission of these funds, among others.

ESTIMATED PROGRAM EFFECT: If the States choose to pursue these projects, the projects must compete for funding at the State level for available State and Federal highway funding allocations.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
340,133	327,611	-12,522	-32,556	-47,583	-42,574	-27,548	-15,026

R94-33

GENERAL SERVICES ADMINISTRATION

Federal buildings fund

Of the funds made available from earmarked funds under this heading in Public Law 103-123, \$126,022,000 are rescinded and are not available in fiscal year 1994.

R94-34

SMALL BUSINESS ADMINISTRATION

Salaries and expenses

Of the funds made available under this heading in Public Law 103-121,

\$13,100,000 are rescinded.

Rescission Proposal No. R94-34

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: Small Business Administration	New budget authority..... \$ <u>258,900,000</u>
BUREAU:	(P.L. 103-121)
Appropriation title and symbol:	Other budgetary resources.. \$ _____
Salaries and expenses	Total budgetary resources... \$ <u>258,900,000</u>
7340100	Amount proposed for rescission..... \$ <u>13,100,000</u>
OMB identification code:	Legal authority (in addition to sec. 1012):
28-0100-0-1-376	☐ Antideficiency Act
Grant program:	☐ Other _____
☐ Yes ☒ No	
Type of account or fund:	Type of budget authority:
☒ Annual	☒ Appropriation
☐ Multi-year: _____ (expiration date)	☐ Contract authority
☐ No-Year	☐ Other _____

JUSTIFICATION: This account funds the Salaries and expenses of the Small Business Administration (SBA). The proposal would rescind grants not awarded competitively, not authorized, and not part of SBA's overall mission.

ESTIMATED PROGRAM EFFECT: SBA's ability to accomplish its mission successfully would not be affected by this rescission proposal.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
257,330	246,916	-10,415	-2,685	—	—	—	—

R94-35

STATE JUSTICE INSTITUTE

Salaries and expenses

Of the funds made available under this heading in Public Law 103-121,

\$6,775,000 are rescinded.

R94-36

UNITED STATES INFORMATION AGENCY

Salaries and expenses

Of the funds made available under this heading in Public Law 103-121,
\$3,000,000 are rescinded.

Rescission Proposal No. R94-36

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: United States Information Agency	New budget authority..... \$ 730,000,000 (P.L. 103-121)
BUREAU:	Other budgetary resources.. \$ 5,890,400
Appropriation title and symbol: Salaries and expenses 6740201	Total budgetary resources... \$ 735,890,400 Amount proposed for rescission..... \$ 3,000,000
OMB identification code: 67-0201-0-1-154	Legal authority (in addition to sec. 1012): ☐ Antideficiency Act ☐ Other _____
Grant program: ☐ Yes ☒ No	
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds the United States Information Agency (USIA). The USIA conducts the international informational, educational, cultural, and exchange programs of the United States and advises the President, the National Security Council, and the Secretary of State on these matters. The Agency defines, explains, and advocates U.S. policies abroad and seeks to increase knowledge among foreign audiences of U.S. society and its values.

Consistent with recommendations of the Vice President's National Performance Review, the USIA will begin to restructure its organization and field structure and to reinvent its public diplomacy activities. Beginning in FY 1994, the Agency operations will be streamlined. The rescission proposal is an estimate of the initial savings that can be realized in FY 1994.

ESTIMATED PROGRAM EFFECT: The organizational restructuring and revised approaches to its public diplomacy activities will permit USIA to accomplish its mission at a reduced cost.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
731,506	728,986	-2,520	-450	-30	---	---	---

R94-37

UNITED STATES INFORMATION AGENCY

North/South Center

Of the funds made available under this heading in Public Law 103-121,

\$8,700,000 are rescinded.

Rescission Proposal No. R94-37

PROPOSED RESCISSION OF BUDGET AUTHORITY

Report Pursuant to Section 1012 of P.L. 93-344

AGENCY: United States Information Agency	New budget authority..... \$ <u>8,700,000</u>
BUREAU:	(P.L. 103-121) Other budgetary resources.. 0
Appropriation title and symbol: North/South Center 6740203	Total budgetary resources... \$ <u>8,700,000</u>
	Amount proposed for rescission..... \$ <u>8,700,000</u>
OMB identification code: 67-0203-0-1-154	Legal authority (in addition to sec. 1012):
Grant program: ☒ Yes ☐ No	☐ Antideficiency Act ☐ Other _____
Type of account or fund: ☒ Annual ☐ Multi-year: _____ (expiration date) ☐ No-Year	Type of budget authority: ☒ Appropriation ☐ Contract authority ☐ Other _____

JUSTIFICATION: This appropriation funds the North/South Center for Cultural and Technical Interchange between North America and Central and South America. The Center is a national educational institution administered on behalf of the United States Information Agency by a public, non-profit educational institution in Florida under a grant from the Agency. The programs conducted by the Center are low-priority within the context of the foreign policy objectives of the United States. The rescission proposal would eliminate Federal funding in FY 1994.

ESTIMATED PROGRAM EFFECT: Funds made available under the FY 1993 grant agreement that have not yet been drawn down would continue to be available until expended.

OUTLAY EFFECT: (in thousands of dollars):

1994 Outlay Estimate		Outlay Changes					
Without Rescission	With Rescission	FY 1994	FY 1995	FY 1996	FY 1997	FY 1998	FY 1999
8,700	4,611	-4,089	-4,611	---	---	---	---

NAME	DATE
AGE	SEX
HEIGHT	WEIGHT
TEMPERATURE	PULSE
BLOOD PRESSURE	RESPIRATION
STOMACH	INTESTINES
URINARY	GENITAL
SKIN	HAIR
TEETH	THROAT
HEARING	VISION
TOE REFLEXES	ARM REFLEXES
ANKLE REFLEXES	PERONEAL REFLEXES
CLonus	Ballismus
Chorea	Stupor
Coma	Death

The following are the results of the examination of the patient. The patient is a male, aged 25 years, height 5 feet 10 inches, weight 150 pounds, temperature 98.6 degrees Fahrenheit, pulse 72, blood pressure 120/80, respiration 16, stomach empty, intestines empty, urinary empty, genital empty, skin clear, hair normal, teeth normal, throat normal, hearing normal, vision normal, toe reflexes normal, arm reflexes normal, ankle reflexes normal, peroneal reflexes normal, clonus negative, ballismus negative, chorea negative, stupor negative, coma negative, death negative.

The patient is in good health and is recovering from his illness. He is able to walk and is eating and drinking well. He is happy and is enjoying his life.

The patient is being discharged from the hospital. He is being sent home with his family.

The patient is being followed up by his doctor. He is being seen every two weeks.

The patient is being discharged from the hospital. He is being sent home with his family.

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Federal Register

**Tuesday
November 9, 1993**

Part III

Environmental Protection Agency

40 CFR Parts 266 and 271

**Burning of Hazardous Waste in Boilers
and Industrial Furnaces; Interim Final
Rule**

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 266 and 271

[FRL-4792-7]

Burning of Hazardous Waste in Boilers and Industrial Furnaces

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: On February 21, 1991, EPA promulgated regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA) that would expand controls on hazardous waste combustion to regulate the burning of hazardous waste in boilers and industrial furnaces (BIFs). Among other things, the regulations provide two tests for determining whether residues derived from Bevil devices (e.g., cement kilns, light-weight aggregate kilns, primary smelters, coal-fired boilers) co-processing hazardous waste and raw materials are exempt from hazardous waste control: if levels of the toxic constituents in the waste-derived residue are not significantly higher than in normal residue; or if levels of the toxic constituents in the waste-derived residue do not exceed specified health-based levels. EPA is today announcing an interim final rule on the health-based limits for nonmetals that are used to determine whether Bevil residues are exempt from the definition of hazardous waste under test number 2, provided that other limits are met on an interim basis (in order to prevent a situation where nonmetal constituents in these residues go unmonitored). The effect of this rule is to replace the current limits needed to qualify for the Bevil exemption (under test number 2) with the land disposal restriction limits for underlying constituents in nonwastewaters pending further administrative action to establish health-based levels.

EFFECTIVE DATE: October 15, 1993.

ADDRESSES: The official record for this document is identified as Docket Number F-93-BBAS-FFFFF, and is located in the RCRA Information Center located at: EPA/RCRA Information Center, room M2616, 401 M Street SW., Washington, DC 20460.

The RCRA Information Center is open from 9 a.m. to 4 p.m. Monday through Friday, except for federal holidays. The public must make an appointment to review docket materials. Call (202) 260-9327 for appointments. Copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at: (800) 424-9346 (toll free) or (703) 920-9810.

For technical information concerning this notice, contact Shiva Garg, Office of Solid Waste (OS-322W), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (703) 308-8459.

SUPPLEMENTARY INFORMATION: The contents of today's notice are listed in the following outline:

- I. Overview of Agency Action
- II. Background
- III. Inaccuracy of the Existing Limits
- IV. Basis for Using Land Disposal Restriction Standards as Interim Limits
 - A. LDR Limits
 - B. Consideration of Using TC Limits
 - C. Which Hazardous Constituents are Affected
- V. Implementation of the Revised Limits
 - A. Default Value is Stayed
 - B. Procedures for Handling Nondetects
 - C. Analytical Methods
 - D. Immediate Effective Date
- VI. State Authority
 - A. Applicability of Rules in Authorized States
 - B. Effect on State Authorization
- VII. Paperwork Reduction Act

I. Overview of Agency Action

On January 22, 1993, the Cement Kiln Recycling Coalition (CKRC) submitted a petition to EPA to modify § 266.112 of the Boiler and Industrial Furnace (BIF) Rule to amend the health-based limits for nonmetal constituents in waste-derived residues that must be met in order to qualify for the Bevil exemption (under the test in § 266.112(b)(2)). The Agency agrees that the nonmetal limits established in appendix VII, part 266, are extremely conservative to the point that they replicate an unrealistic scenario. The values, moreover, were based on unintended, mistaken assumptions on EPA's part. Therefore, the Agency is today staying those limits provided that owners and operators of such Bevil devices comply with land disposal restriction standards for the hazardous constituents that are reasonably expected to be present in these residues. The Agency believes that these technology-based land disposal restriction limits identify residues that have the "low toxicity" attribute that is one of the key bases for the temporary exemption of Bevil residues from the definition of hazardous waste. 56 FR 7197 (Feb. 21, 1991); *Environmental Defense Fund v. EPA*, 852 F.2d 1316, 1329 (D.C. Cir. 1988), *cert. denied*, 489 U.S. 1011 (1989). Thus, the limits serve as interim regulatory levels. Nonetheless, EPA views these land disposal restriction limits as a

temporary measure pending future rulemaking to consider whether more appropriate health-based limits should be established.

This stay does not affect the application of procedural requirements of § 266.112(b)(2), except that the following provisions of paragraph (b)(2)(i) are also stayed: (1) The default limit of 0.002 micrograms per kilogram; and (2) the procedure for handling nondetect values. Under the conditioned stay, a default value does not apply given that EPA has established detectable limits for virtually every hazardous constituent for which analytical methods are readily available. Further, detection limits under the stay will be handled as they are for compliance with the land disposal restrictions. As provided by § 268.43(c)(3), the Agency considers that the limit for an organic constituent has been met if the facility used a combustion process to treat the waste, and has been unable to detect the constituent despite using its best efforts as defined by applicable Agency guidance or standards. Until such guidance or standards are developed, the facility may demonstrate best efforts by achieving detection limits for the constituent that do not exceed the limit by an order of magnitude.

EPA is making this stay immediately effective. The Agency is taking this action after making a good-faith effort to provide advance notice and opportunity for comment on the conditioned stay. The Agency provided notice and requested comment from the approximately 80 commenters on the Bevil provision of the BIF rule during the previous rulemaking process.¹ EPA received comments from 16 respondents representing regulated BIFs and associated organizations, and from the incineration industry (e.g., the National Waste Management Association and the Hazardous Waste Treatment Council). These comments are addressed in this document.

II. Background

Under § 266.112 of the BIF rule, EPA codified procedures for owners and operators of Bevil devices (e.g., cement kilns, light-weight aggregate kilns, coal-fired boilers, and primary smelters) to determine whether their residues retain the Bevil exemption when the facilities co-fire or co-process hazardous wastes along with fossil fuels or normal raw materials. See 56 FR 7196-7200

¹ Letter from Matthew Straus, Director, Waste Management Division, EPA, to Commenters on Proposed Bevil Provisions of the BIF Rule, dated March 24, 1993.

(February 21, 1991). Those procedures implement the principle that, if burning hazardous waste does not affect the character of the residue (i.e., the residue would be essentially the same whether or not hazardous wastes were burned or co-processed), the waste-derived residue retains the Bevill exemption. The procedures require facilities that claim the Bevill exemption when burning listed hazardous waste to conduct sampling and analysis of their residues to document that either: (1) Levels of toxic constituents in waste-derived residue are not significantly higher than in normal (i.e., when not burning hazardous waste) residues; or (2) levels of toxic constituents in waste-derived residue do not exceed health-based levels specified in the rule. If the residue passes either test, the Bevill exemption is retained.

The rule requires sampling and analysis as often as necessary to characterize the residue, provided that the compositing period does not exceed 24 hours. For example, if a facility analyzes its residue less frequently than daily, the sample analyzed cannot represent residue that has been generated during a period exceeding 24 hours.

The constituents that must be analyzed for are: (1) Appendix VIII, part 261, hazardous constituents that could reasonably be expected to be in the hazardous waste burned; and (2) compounds that the Agency has determined are common products of incomplete combustion (i.e., they may be formed during combustion of the waste) and has listed in appendix VIII, part 266.

III. Inaccuracy of the Existing Limits

The health-based limits (HBLs) for nonmetals established in appendix VII, part 266, are based on the total concentration of the nonmetal in the residue, not an extract concentration. This is because combustion processes should destroy nonmetal compounds, and limits on the total concentration of the compound in the residue would better ensure effective destruction. The health-based limits on the total concentration of toxic compounds address exposure via ingestion of the residue.

To establish the HBLs for nonmetals, the Agency converted drinking water limits (i.e., maximum concentration limits (MCLs), and limits based on reference doses (RfDs) for noncarcinogens and unit risk values for carcinogens assuming the exposed individual drank two liters of water per day for a lifetime) to total concentrations simply by

mathematically converting the milligram per liter drinking water limits to milligram per kilogram units. In the rush to promulgate the BIF rules under a stringent court-ordered deadline, the Agency failed to note that this approach continues to assume that the hypothetical exposed individual is ingesting two liters (two kilograms) per day of the media—that is, two kilograms or 4.4 pounds of residue. Clearly, this was not the Agency's intent. In previous risk assessments, the Agency has often assumed that an individual ingests 0.2 grams of soil per day. If a residue ingestion rate of 0.2 grams per day was assumed, then the appendix VII, part 266, nonmetal limits may be orders of magnitude too stringent.

What is certain is that the existing regulatory values are mistaken. The Agency thus believes that the nonmetal health-based limits must be corrected immediately.

CKRC also petitioned to alter the HBL value for thallium, likewise arguing that the regulatory value is inappropriately low (stringent) due to improper conversion of values and initial misclassification of thallium as a nonmetal. EPA is not acting on this part of the petition. Since the rule was promulgated, EPA has new health information on thallium that indicates that the RfD for this hazardous constituent is significantly lower than originally determined. Based on these new data, the Agency's Office of Drinking Water (after notice and comment rulemaking) has lowered the maximum concentration limit (MCL) for thallium to 0.002 mg/l. See 57 FR 31776 (July 17, 1992). Based on this new information, if anything, the existing regulatory value is not stringent enough, given that the Bevill limits were based on applying a 100 fold dilution factor to the MCLs. See 56 FR 7199. The Agency thus is not staying that value, and may issue guidance to permit writers regarding the possible use of omnibus permit authority to include thallium values in the § 266.112 demonstration that reflect the most recent health information.

IV. Basis for Using Land Disposal Restriction Standards as Interim Limits

This section discusses the basis for selecting the land disposal restriction (LDR) limits for the underlying hazardous constituents in nonwastewaters as interim limits as well as the rationale for not selecting an alternative approach based on drinking water limits times a dilution and attenuation factor (DAF). (It should be noted that the LDR limits established in today's stay are based on total

concentrations in the residue; the alternative of establishing limits based on drinking water limits times a DAF would apply to the Toxicity Characteristic Leachate Procedure (TCLP) extract.)

A. LDR Limits

The Agency has established land disposal treatment standards for the underlying hazardous constituents in FO39 (multisource leachate) that are essentially a compilation of all earlier treatment standards and include virtually every RCRA hazardous constituent that can be routinely analyzed by gas chromatography/mass spectrometry (GC/MS).² The Agency believes that these limits are achievable for most RCRA hazardous wastes. See generally 58 FR 29867 (May 24, 1993) for an explanation of why EPA believes these treatment standards are achievable for most hazardous wastes.

The Agency believes that it is reasonable to exempt Bevill residues at these LDR levels on an interim basis (pending rulemaking to establish more appropriate limits) because: (1) Technology-based treatment limits should identify residues that have the "low toxicity" property that is one of the bases for the temporary exclusion of Bevill residues from the definition of hazardous waste; (2) they are promulgated limits and so have been scrutinized and subject to public comment in previous rulemakings, most notably the Third Third rule (55 FR 22619-625 (June 1, 1990)), the August 18, 1992, rule applying these standards to a wider group of prohibited wastes (57 FR 37203-206), and the May 24, 1993, interim final rule applying the standard to certain ignitable and corrosive hazardous wastes;³ (3) the limits have been established for virtually every hazardous constituent that can be routinely analyzed by GC/MS; and (4) they should be readily achievable.

The majority of commenters to the March 24, 1993, letter agreed that these LDR limits were acceptable as interim limits pending rulemaking to establish more appropriate limits. Several commenters, however, expressed concern that exempting Bevill residues

² Commenters expressed concern that the list of appendix VIII, part 261, constituents is more comprehensive than the list of FO39 compounds. As a practical matter, this is a moot point because there are no analytical procedures for many of the compounds on appendix VIII, and others cannot be analyzed using readily available equipment (i.e., GC/MS).

³ Entitled, "Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Standards Were Vacated; Interim Final Rule."

at LDR levels may not be protective given that the LDR levels are technology-based, not health-based. Commenters also noted that the LDRs apply to waste that may remain subject to subtitle C management, rather than wastes excluded from Subtitle C regulation. We share commenters' concerns but note the LDR levels are interim limits (pending rulemaking to establish health-based levels), and we believe that they are sufficiently protective. The LDRs should ensure that nonmetals are largely destroyed because they are based on concentration levels achieved by applying best demonstrated available treatment technology. No commenter maintained that wastes containing these levels of organics would not satisfy the low hazard Bevill test with respect to nonmetal constituents. Moreover, in most cases, these LDR standards for nonmetals are based on the level of detection in combustion residues. Even if the health-based level for a compound were to be lower than the LDR, it may not have practical significance if the LDR is the limit of detection in the residue matrix.

Other commenters suggested that there is no emergency situation and that the Agency should develop appropriate health-based limits through rulemaking. Some commenters noted that, if the existing limits could not be met, facilities still had the option of documenting that the levels of toxic constituents in waste-derived residue were no higher than in normal (i.e., generated without burning hazardous waste) residue under § 266.112(b)(1). EPA believes that these limits are not reasonable (i.e., are so conservative that they replicate an unrealistic scenario), and that the option provided by paragraph (b)(1) in any case may not be practicable. In particular, we have learned since promulgation of the rule that it is often difficult to establish and re-establish concentration levels in normal residue as raw materials or operating conditions change that can affect the levels of hazardous constituents in the residue. This is because devices such as cement kilns must be operated for extensive periods of time (e.g., hours or days) to reach steady-state conditions with respect to levels of appendix VIII, part 261, compounds in the residue. Thus, the approach of comparing waste-derived residue to normal residue may be problematic.

Finally, we note that, by establishing LDR exemption levels for Bevill residue, the Agency is not suggesting that: (1) the technology-based treatment standards are equivalent to, or appropriate to use as, health-based limits; or (2) Bevill

excluded residues should necessarily be subject to the LDR rules. These issues, as well as others, will be addressed in a follow-up rulemaking.⁴

B. Consideration of Using TC Limits

Several commenters suggested that the Agency establish limits using the same approach used for metals. Under that approach, the limits would apply to a TCLP extract and would be established at 100 times the health-based levels (e.g., maximum concentration limits (MCLs), and limits based on reference doses (RfDs) and unit risk values (for carcinogens) assuming the exposed individual drank two liters of extract per day for a lifetime) to consider dilution and attenuation.

While the Agency's ultimate policy preference is to establish risk-based regulatory levels, the difficulties involved in this task are formidable and controversial. For example, in this case, limits on extract concentrations of organics would not address the potential risk posed by ingestion of the residue itself (e.g., via fugitive dust). Although the extract limits may provide an adequate level of protection, the Agency has not addressed this potential exposure pathway at this time.

We note that, under HWIR, the Agency will define hazardous constituent concentration levels below which a waste is no longer considered "hazardous." Discussions concerning these levels are taking place in the context of the recently chartered Federal Advisory Committee on the Hazardous Waste Identification Rule (HWIR). The Committee chose to initially discuss how to provide greater flexibility for the remediation of contamination at hazardous waste sites. It has also begun discussions by focusing on concentrations below which waste mixtures and treatment residuals would no longer be subject to the hazardous waste regulations ("exit" criteria), while also discussing whether there is a regulatory approach to relatively quickly bring under regulation clearly hazardous waste not now controlled by the hazardous waste regulations (an "entry" rule). To help address the uncertainties of assessing multiple exposure pathways, the Agency also has initiated research to examine exposure of humans and the environment to hazardous constituents through a large number and variety of pathways.

⁴ This latter issue is already the subject of rulemaking. See 56 FR 55166 (Oct. 24, 1991), and EPA will decide the question exclusively in that rulemaking.

C. Which Hazardous Constituents Are Affected

The Bevill comparison test is to be performed for any hazardous constituent (i.e., a constituent listed in appendix VIII of part 261) that may reasonably be expected to be a constituent in the hazardous waste being co-burned or co-processed in the Bevill unit, plus the list (found in appendix VIII of part 266) of all products of incomplete combustion that could also be found in the residues. See § 266.112(b)(1) and 56 FR 7199. These requirements remain unchanged by today's stay.

V. Implementation of the Revised Limits

The stay is conditioned on compliance with the interim LDR exemption values. Noncompliance with those values would mean that the owner or operator of the Bevill device is no longer meeting the conditions of the administrative stay and therefore must comply with the comparison test in § 266.112(b)(1), in order to qualify for the exclusion in § 266.112. If the owner or operator meets neither the conditions of the stay nor the comparison test, then the residue would be subject to regulation as a hazardous waste.

In addition, the stay does not affect the application of the procedural requirements in § 266.112(b)(2),⁵ except as noted below.

A. Default Value is Stayed

Under the stay, the default value of 0.002 micrograms per kilogram established by § 266.112(b)(2) does not apply given that FO39 limits have been established for virtually every prohibited hazardous constituent for which analytical methods are readily available. In addition, that default value would not be appropriate because it was established as the lower 95th percentile of the (inappropriate) health-based limits.

B. Procedures for Handling Nondetects

The procedures for determining compliance when a constituent is not detected in the residue will be the same as those used for compliance with the FO39 nonmetal limits under the land disposal restrictions program. As provided by § 268.43(c)(3), the Agency

⁵ In particular, the sampling and analysis requirements of § 266.112(b)(2)(iii) remain in effect. That paragraph requires sampling and analysis as often as necessary to determine whether residue generated during each 24-hour period exceeds the health-based limits. Further, compositing of samples is allowed, provided that the samples comprising the composite are taken from residue generated during a given 24-hour period.

considers that the limit for a constituent has been met if the facility has been unable to detect the constituent despite using its best efforts as defined by applicable Agency guidance or standards. Until such guidance or standards are finalized (and no such guidance presently exists), the facility may demonstrate such efforts by achieving detection limits for the constituent that do not exceed an order of magnitude above the interim limit. See revised § 266.112(b)(2)(i).

We note that the Agency developed this policy for the FO39 nonmetal treatment standards because the standards were developed based on residual levels in incinerator ash, and incinerator ash matrices can be difficult to analyze. Under today's stay, however, the Agency is using these standards as interim limits for Bevill residues. (Incinerator ash is not a Bevill residue.) Although some Bevill residues may present a matrix as difficult to analyze (i.e., to achieve low detection limits) as incinerator ash (e.g., bottom ash from a coal-fired boiler burning hazardous waste fuel), the Agency believes that the vast majority of the residues eligible for the Bevill exclusion—cement kiln dust and bag house dust from light-weight aggregate kilns—will be easier to analyze than incinerator ash. As evidence, data from 23 samples on the concentration of 43 organic compounds in cement kiln dust from three facilities indicate that detection limits are well below the FO39 limits.⁶ Thus, the Agency expects that cement facilities making a good-faith effort to achieve detection limits at or below the FO39 levels will be able to do so.

Further, the Agency believes that particulate matter collected from light-weight aggregate kilns represents an analytical matrix similar to cement kiln dust. Thus, light-weight aggregate facilities making a good-faith effort to achieve detection limits at or below the FO39 level should also be able to do so.

C. Analytical Methods

Several commenters expressed concerns about the availability of analytical methods to document compliance with the FO39 interim limits. One commenter asserts that the incineration-based FO39 nonwastewater standards are set below the levels of detection normally achievable in incinerator ash. As evidence, the commenter cites the results of a series of incineration tests the commenter performed in 1989 and 1990 and

submitted to the Agency as comments on earlier land disposal restrictions rulemakings.⁷ EPA does not believe that the commenter's data demonstrates that the FO39 standards are below the level at which a competent analytical lab can quantify these compounds. In the Third Third Final Rule, EPA revised the FO39 nonwastewater standards between proposal and promulgation to accommodate the commenter's concerns. See the Response to Comments Background Document for the Third Third Final Rule. Moreover, we note that, as discussed above, incinerator ash is not a Bevill residue and that the majority of Bevill residues should pose a easier matrix to analyze than incinerator ash. Finally, if a particular Bevill residue matrix is difficult to analyze, we note that a facility is deemed to be in compliance for a constituent if the detection limit for the constituent is not more than an order of magnitude higher than the FO39 level.

Several commenters stated that SW-846 methods are not readily available for 47 of the FO39 compounds and noted that a laboratory provided a list of 47 compounds on the FO39 list "for which they do not test." EPA believes that each FO39 compound is a target analyte for at least one SW-846 method. In fact, EPA deliberately excluded from consideration in developing the FO39 list compounds on appendix VIII, part 261, without SW-846 methods. Moreover, EPA is aware that many commercial laboratories advertise that they analyze the entire "RCRA list" of compounds.

D. Immediate Effective Date

EPA is issuing this administrative stay pursuant to 5 U.S.C. 705, authorizing Agencies to stay administrative action pending judicial review when "justice so requires." See also Rule 18 of the Federal Rules of Appellate Procedure authorizing issuance of administrative stays pending review. (The issue of appropriate limits for nonmetals in co-processing residues from Bevill devices is at issue in the litigation over the BIF rule.) EPA believes that issuance of a stay for nonmetal constituents here is needed because the existing regulatory values are not reasonable. As explained above, they are based on an improper conversion of values resulting in a situation that mirrors massive ingestion of wastes in a manner that could not

possibly occur. These values should thus be changed immediately.

At the same time, the Agency believes it necessary to establish a replacement for the stayed exemption levels for Bevill residues. Having no interim limits for nonmetals would lead to unacceptable situations where persons co-processing hazardous wastes and Bevill materials could not establish whether their residues were significantly affected. Hence, they would automatically lose their Bevill status (assuming the statistical test cannot be satisfied), or, equally unacceptably, the residues from co-processing would retain Bevill status without having to determine whether the co-processing added significant levels of organic hazardous constituents to the residues (and thus creating the possibility of unregulated management of high volume, high hazard wastes, at odds with all the commands of subtitle C). To the extent good cause (pursuant to 5 U.S.C. 553(b)) is needed to justify the Agency's immediately effective adoption of interim nonmetal values, the existence of these two unacceptable alternatives establishes good cause, in EPA's view. EPA has also explained why use of interim values borrowed from LDR treatment standards is the most reasonable present course it can determine.

Several commenters also questioned whether the stay could be made retroactive to the original date of promulgation of the BIF rule. Rules with retroactive applicability are normally highly disfavored as a legal matter, see *Chemical Waste Management v. EPA*, 869 F.2d 1526, 1536 (D.C. Cir. 1989), and EPA is therefore not promulgating a retroactive rule here.

VI. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3006, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA), a State with final authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. EPA could not issue permits for any facilities in the State which the

⁷ We note that the commenter's reference to Practical Quantitation Limits (PQL's) obscures the issue because the concept of PQL's has been replaced by Method Detection Limits, defined in the current First Update to SW-846, Chapter One.

⁶ Correspondence from David Gossman, President, Gossman Consulting, Inc., to Bob Holloway, EPA, dated January 15, 1993.

State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed under HSWA authority take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits for those new requirements, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to achieve or retain final authorization, the HSWA applies in authorized States in the interim.

Today's stay affects regulatory provisions promulgated pursuant to section 3004(q) of RCRA, a provision added by HSWA. (In particular, that provision implements the ambiguous language in section 3004(q)(1) that "(n)othing in this subsection shall be construed to impair the provisions of section 6921(b)(3) of this title" [the Bevill amendment].) Therefore, the Agency is adding today's provisions to Table 1 in § 271.1(j) which identifies the Federal program requirements that are promulgated pursuant to HSWA and that take effect simultaneously in all States, regardless of their authorization status. States that are already authorized to implement the BIF rule are also encouraged to undertake an administrative action (e.g., a stay or interim rule) consistent with the administrative stay announced today by EPA.

B. Effect on State Authorizations

With the exception of those States which have received authorization for the BIF rule, EPA will implement the BIF provisions of today's stay in all States. EPA's implementation of today's stay will continue until States modify their programs to adopt the provisions and the modification is approved by EPA. 40 CFR 271.21(e)(2) requires that States that have final authorization must modify their programs to reflect Federal program changes, and must subsequently submit the modifications to EPA for approval. Although today's stay replaces inappropriate limits with higher interim limits, and States may implement more stringent controls than EPA, we nonetheless strongly

recommend that States adopt today's provisions. Because more stringent State program requirements are allowed under RCRA section 3009, EPA will not withhold authorization from a State that submits rules that contain the levels in the 2/21/91 rule. However, EPA recommends that the States modify their programs to adopt today's provisions, and that they do so on the same schedule that would be recommended for new regulations. Thus, we recommend that States modify their programs to adopt today's provisions by July 1, 1996, if a statutory change is not needed, or July 1, 1997, if a statutory change is needed. Once EPA approves the modification, the State requirements become Subtitle C RCRA requirements.

States with authorized RCRA programs may already have requirements similar to those in today's rule. These State regulations have not been assessed against the provisions of today's stay to determine whether they meet the tests for authorization. Thus, a State is not authorized to implement these requirements in lieu of EPA until the State program modification is approved. Of course, States with existing standards may continue to administer and enforce their standards as a matter of State law.

In implementing today's rule, EPA will work with States under cooperative agreements to minimize duplication of efforts. In many cases, EPA will be able to defer to the States in their efforts to implement their programs, rather than take separate actions under Federal authority.

VII. Paperwork Reduction Act

The information collection requirements of § 266.112 of the BIF rule have been approved by the Office of Management and Budget (OMB) under OMB Control number 2050-0073. This stay does not affect the information collection requirements of that section.

List of Subjects in 40 CFR Parts 266 and 271

Administrative practices and procedures, Hazardous waste, Intergovernmental relations, Recycling, Reporting and recordkeeping requirements.

Dated: October 15, 1993.

Carol M. Browner,
Administrator.

I. In part 266:

PART 266—STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

1. The authority citation for part 266 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3004, and 3014 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6934).

2. Section 266.112 is amended by revising paragraph (b)(2)(i) to read as follows:

§ 266.112 Regulation of residues.

(b) * * *

(2) * * *

(i) *Nonmetal constituents.* The concentration of each nonmetal toxic constituent of concern (specified in paragraph (b)(1) of this section) in the waste-derived residue must not exceed the health-based level specified in appendix VII of this part, or the level of detection (using analytical procedures prescribed in SW-846), whichever is higher. If a health-based limit for a constituent of concern is not listed in appendix VII of this part, then a limit of 0.002 micrograms per kilogram or the level of detection (using analytical procedures prescribed in SW-846), whichever is higher, shall be used. The levels specified in appendix VII of this part (and the default level of 0.002 micrograms per kilogram or the level of detection for constituents as identified in Note 1 of appendix VII of this chapter) are administratively stayed under the condition, for those constituents specified in paragraph (b)(1) of this section, that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in § 268.43 of this chapter for FO39 nonwastewaters. In complying with those alternative levels, if an owner or operator is unable to detect a constituent despite documenting use of best good-faith efforts as defined by applicable Agency guidance or standards, the owner or operator is deemed to be in compliance for that constituent. Until new guidance or standards are developed, the owner or operator may demonstrate such good-faith efforts by achieving a detection limit for the constituent that does not exceed an order of magnitude above the level provided by § 268.43 for FO39 nonwastewaters. The stay will remain in effect until further administrative action is taken and notice is published in the

Federal Register and the Code of Federal Regulations; and

3. Appendix VII of part 266 is amended by designating the existing note at the end of the appendix as note 1 and adding a note 2 to read as follows:

Appendix VII [Amended]

Note 2: The levels specified in this appendix and the default level of 0.002 micrograms per kilogram or the level of detection for constituents as identified in Note 1 of this appendix are administratively stayed under the condition, for those constituents specified in § 266.112(b)(1), that the owner or operator complies with alternative levels defined as the land disposal restriction limits specified in § 268.43 of this chapter for FO39 nonwastewaters. See § 266.112(b)(2)(i).

II. In part 271:

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

1. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

2. Section 271.1(j) is amended by adding the following entry to Table 1 in chronological order by date of publication in the **Federal Register** to read as follows:

§ 271.1 Purpose and scope.

(j) * * *

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promul- gation date	Title of regulation	Federal Register reference	Effective date
Novem- ber 9, 1993.	Burning of haz- ardous waste in boil- ers and indus- trial fur- naces.	[insert FR page num- bers].	October 15, 1993.

[FR Doc. 93-26041 Filed 11-8-93; 8:45 am]

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